

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TRANZACT TECHNOLOGIES, INC., )  
doing business as FREEDOM LOGISTICS, )  
Plaintiff, )  
v. ) Case No.: 07 CV 6597  
FREEDOM LOGISTICS, LLC, ) Judge: Marvin E. Aspen  
Defendant. )

## **MOTION FOR PRELIMINARY INJUNCTION**

Now Comes the Plaintiff, Tranzact Technologies, Inc. doing business as Freedom Logistics (“Freedom”), by and through its attorneys, Sullivan Hincks & Conway, and hereby moves this Honorable Court for a Preliminary Injunction against Freedom Logistics, LLC (“Defendant”) pursuant to 15 U.S.C. §§ 1116 and 1125(c) for violations of Freedom’s rights under 15 U.S.C. §§ 1114, 1125(a) and 1125(c). Having discovered Defendant’s infringement on October 10, 2007, Freedom seeks relief under a Motion for Preliminary Injunction rather than under a Temporary Restraining Order.

Concurrent with the filing of this Motion, Freedom files a Memorandum in Support hereof and the Declaration of Michael Regan with Exhibits, which set forth in detail the reasons why this Motion must be granted, including the fact that Freedom has a likelihood of success on both its service mark infringement action as well as its service mark dilution action, that Freedom will be irreparably harmed with an inadequate remedy at law if the injunction does not issue, and that the harm suffered by Freedom if the injunction does not issue exceeds the harm that would be suffered by Defendant and third parties.

WHEREFORE, the Plaintiff, Tranzact Technologies, Inc. d/b/a Freedom Logistics®, respectfully requests this Honorable Court enter a Preliminary Injunction against the Defendant, Freedom Logistics LLC, as follows:

- 1) Restraining and enjoining Defendant, its officers, agents, employees, successors and attorneys, and all those in active concert or participation with it from continued use of the entity or service mark “Freedom Logistics”;
- 2) Requiring Defendant to amend its Articles of Organization and its name of record on file with the Tennessee Secretary of State, or make an assumed name filing designating a new name under which Defendant will operate in commerce;
- 3) Requiring Defendant to withdraw or amend its registration with the Federal Motor Carrier Safety Administration to cease operating under the service mark “Freedom Logistics®”;
- 4) Requiring Defendant to disclose to Freedom all advertising and marketing activities undertaken by Defendant since 2004, and affirmatively remove all advertisements and profiles in all media, including but not limited to print and electronic media, containing the use of the service mark “Freedom Logistics”;
- 5) Such other and further relief as this Court deems just and reasonable.

Respectfully submitted,

TRANZACT TECHNOLOGIES, INC.  
d/b/a FREEDOM LOGISTICS

By: /s/ Matthew P. Barrette  
One of Its Attorneys

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